

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 21/09/2011</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Anne Dew Senior Development Officer</b>	<b>Application No: KET/2010/0800</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>Greenfields, Great Oxendon Road, Braybrooke</b>	
<b>Proposal</b>	<b>Full Application: Change of use from agricultural land to a residential Gypsy site with 3 no. pitches and facilitating development</b>	
<b>Applicant</b>	<b>Mr A Gaskin c/o Derbyshire Gypsy Liaison Group,</b>	

### **1. PURPOSE OF REPORT**

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be REFUSED for the following reason(s):-

1. Policy 17 of the North Northamptonshire Core Spatial Strategy states that planning permission may be granted for the provision of a Gypsy accommodation site where, inter alia, a need for Gypsy and Traveller accommodation has been identified. Current need for sites within the borough has been assessed and sites are to be provided through an allocation process in a Development Plan Document. The current assessed need for sites does not include the three families subject of this application which would, if allowed, be additional. However, the applicant has failed to submit sufficient evidence to demonstrate there is such a need and as such the proposed development is contrary to Policy 17.

2. The proposed site is in an isolated location away from existing settlements, and local services and facilities, and would result in a significant reliance on private vehicles. As such, the proposed development is in an unsustainable location which conflicts with the aims and objectives of Policy 9, Policy 17(c) and Policy 13 (c, e and k) of the North Northamptonshire Core Spatial Strategy.

3. The proposed development, by virtue of its scale, design and location would result in an unjustified and incongruous residential land use within the landscape, thereby harming the character and appearance of the countryside in conflict with the aims and objectives of Policy 13(o) and 17(a) of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-  
NONE

**Justification for Granting Planning Permission**

Not Applicable

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

##### Adjacent Sites

KET/2010/0805 Retrospective Application: Change of use from farm land to provide siting of mobile home and 2 no. caravans, including associated hard standing, access road and septic tank. This site is located to the west of the application site and served off the same vehicular access. Application yet to be determined.

KET/2010/0698 - Retrospective Application: Use of the site for siting of a modular dwelling and the keeping of horses, creation of hard standings, erection of stables and fencing, installation of septic tank. Refused. July 2011 on the grounds of 1) No need for a temporary dwelling, 2) Unsustainable location and (3) harmful impact on the character and appearance of the open countryside. This site is located to the south west of the application site and served off the same vehicular access.

##### Enforcement Notice History

EN/01/0318 Enforcement Notice issued on 16.07.2011 in respect of the change of use of the land to a mixed use for the keeping of horses and the siting of caravans for residential occupation together with associated vehicles and equipment, and the erection of buildings and the carrying out of works as part of the unauthorised change of use. This notice continues to have effect in relation to the development specified in the notice

Further enforcement action at the wider site has been taken in March 2011, in respect of the making up of part of the access track.

ENFO/2009/00078 Authorisation was granted in May 2011 for Enforcement Action to be taken on land to the north of the application site against the erection of buildings and structures, the storage of motor vehicles on the land, the provision of residential accommodation and use of land as a leisure plot.

#### **Site Description**

Officer's site inspection was carried out on 22 March 2011.

The site forms part of Greenfields which in the past has been divided up into separate plots and sold off. An unauthorised access road has been constructed from Braybrooke Road which provides vehicular access to the plots. The overall application site has an area of approximately 0.46 hectares and is situated in an isolated location within the open countryside approximately 1.5 miles from Braybrooke. The application site is located on the eastern side of the unauthorised access road, approximately 160 metres from Braybrooke Road. Overhead pylons are located to the south west of the site, but do not overhang the application site. A public footpath runs to the north of the site which connects Braybrooke to Desborough Road. There is an authorised Gypsy site (1 pitch) on land on the opposite side of Braybrooke

Road. This is a permanent pitch known as 'Golden Stables' and is located within the district of Daventry.

The site is currently occupied, however not in the same form as has been applied for. At the time of the site pitch 2 on the northern half of the site was occupied by 3 large touring caravans, three sheds and two toilets and plot 1 was occupied by a residential caravan and a shed. One metre high timber fences have been erected within the site. Hedgerows are in place on the north and east boundaries of the site.

There are other similar unauthorised developments within Greenfields, with two plots of land to the west / south west being occupied by modular buildings and caravans. Full details of these sites have been included in the Planning History Section of this report.

### **Proposed Development**

The proposal is for the change of use of the land from agricultural to a residential Gypsy caravan site to accommodate three families. A driveway is proposed centrally within the site which provides access to the pitches as well as a turning space to enable vehicles to turn within the site. Plot 1 is located the south of the site and has an area of approx 57m x 28m. This pitch constitutes one residential caravan, one touring caravan, a shed and an area of hard standing. Plot 2 is located to the north of the site and also has an area approx 57m x 28m. Plot 2 accommodates two families and provides space for two residential caravans. The western part of the site will be used as a play area and will accommodate a Klargestor Alpha septic tank. Existing tree and hedgerow planting will be retained around the perimeter of the site.

Plot 1 is occupied by Albert and Sherry Gaskin and their two children aged 4 and 9 who both attend Braybrooke School. The family are all registered with a doctors at Market Harborough. Plot 2 is shared by 2 families – The first family comprises James Robert McCreedy and his wife Tina Marie and their two year old daughter as well as expecting a third baby. The second family comprises Martin and Mary Ward and their 3 children aged 8 weeks, 5 and 10.

The layout that has been submitted does not accurately reflect what is on site, particularly in respect of pitch 2 which at the time of site visit was occupied by three large touring caravans. Whilst the layout differs to that witnessed on site, the agent has confirmed that the proposal as applied for is the scheme to be considered.

### **Any Constraints Affecting The Site**

In the open countryside.

## **4.0 Consultation and Customer Impact**

### **Desborough Town Council**

Totally reject the application. There is more than enough Traveller Sites in the North of the Borough, including The Pastures. Planning permission has been granted for an additional ten pitches at The Pastures which satisfies the need

for the north of the borough. Eight additional pitches are needed in the South of the borough. The site is Greenfield and has a current enforcement order/ action on dating back 10 years. Pitches are still being sold across the site which consist of seven occupied pitches which are not the three being applied for. The submitted Utilities Statement is incorrect, nearby residents have been approached for access to water supplies.

### **Braybrooke Parish Council**

The Coalition Government is moving away from a target based policy to a needs based policy. If need is established any Traveller site should meet the requirements of policies 13 and 17 of the CSS. The application fails to meet these policy requirements; it is a Greenfield land and not brown field or urban land; it is an environmentally sensitive site and is eroding the gap between Braybrooke, Arthingworth and Desborough; the site is not closely linked with a settlement with an adequate range of facilities (no shops, healthcare or play areas); the site does not have any transport links; the site will impact on the small resources of Braybrooke village, particularly the highway network; the site has unsatisfactory access arrangements and the ownership is unclear; site access is inappropriate for refuse collection; site is remote and does not maximise the chances for social inclusion and a sustainable pattern of living; a decision at this stage would be premature as KBC are currently undertaking a report on Gypsy need to be published in the summer; Circular 01/2006 states 'Councils are able to refuse private applications in locations that do not comply with planning policies, especially where the Authority has complied with this guidance and proceeded properly to ensure needs identified by accommodation assessments are being met'; the site is in the open countryside contrary to KBC policy; residents of the site have moved onto the land knowing that it was a breach of planning policy and Enforcement Notices; application should read as retrospective; the supporting statement states they have been travelling and this is misleading as they have links with Justin Park and there is no evidence that they have been staying in lay-by's in the area and there is great concerns that the site has the potential to be bigger than the village of Braybrooke.

### **Harrington Parish Council**

Object. The application is contrary to planning policy not to allow building in the open countryside and there are no valid grounds to disregard this policy. There are previous enforcement notices on the site. Object to the access as roads are narrow and increased traffic is to be discouraged. There has already been one serious accident. There is no need for any further sites and the Gypsy community has been adequately provided for. The site sits on the crest of the hill and is visible for a considerable distance. Caravans do not blend into the pastoral backgrounds and are an unsightly blot to the detriment of the landscape.

### **Arthingworth Parish Council**

Object. The site is only 1.5 miles away from Arthingworth Village. The site is Greenfield/ agricultural land in the open countryside. The footprint of the total site is 47 acres and a similar size to both Braybrooke and Arthingworth villages. There are already at least 12 sites within 4 miles of the site. There is no need

for another site – Justin Park has adequate spaces. There are no facilities such as healthcare and shops in close proximity, the approach to the road is inadequate, there is already an enforcement notice on the site, implications for public rights of way through the site, site is in breach of planning policies, concerns over the number of sites appearing in the area and the manner in which they appear, if permission is granted it will set a precedent.

### **Northamptonshire County Highways Department**

A lack of information has been submitted, however unlikely to have any highway objections. The vehicular access would be shared and the same conditions regarding the access would apply. Swept path tracking drawings of articulated vehicles will be required by condition which will then determine minimum access width, the extent of hard paving to the access road and the widening required, all of which will be controlled by condition. Conditions are also required regarding visibility splays and provision of adequate parking and turning space.

### **Police**

The Design and Access Statement does not demonstrate any crime prevention measures. Concerns raised regarding the width, road surface and construction of the road and access issues for emergency vehicles. Concerns over on going maintenance and management to the access and safety implications. Soil on the adjacent highway will cause a traffic hazard, concern over the lack of clearly identified boundary to the site. The application needs to be viewed within the context of other adjacent applications and similar plots to be developed which will produce a large site with no management structure. The need for a separate vehicular/ pedestrian access should be considered and the nearest fire hydrant will need to be sited at the entrance to the site. Advice given about dwelling security.

### **Environment Agency**

No objection. Conditions required requiring a percolation test be undertaken to ensure that soak ways will work in adverse conditions and details of the septic tank to be submitted for approval. Various advisory notes required covering discharge and soak ways.

### **Daventry District Council**

Daventry dealt with a recent application for a family traveller site ('Golden Stables') on a parcel of land immediately opposite Greenfields. The site forms part of the same locality as land within Daventry District and the area needs to be considered as a whole. There is a need to protect the countryside against cumulative impact. The land to the south of the application site, within Daventry District, falls within a Special Landscape Character Area where stronger rural planning controls apply. Object to application on grounds of over concentration of Gypsy sites and locality is unsuitable given narrowness of adjoining highway and quiet rural character. Granting permission would set a precedent for other traveller related developments in both districts. Greenfields is different in character to Golden Stables. Greenfields is large and of a

communal scale and is clearly visible from public vantage points and generates potential for respective plots to be developed further. Development contravenes local policies and enforcement action should be continued. Golden Sands is a discreet, non prominent site, which is strictly controlled by condition. Granting permission could set a precedent for Golden Sands to be inappropriately expanded. The whole of the Greenfields site needs to be treated as one planning unit. At the time of site visit there were 11 unauthorised caravans. The personal circumstances of the applicant are not sufficient to outweigh other concerns. If permission granted, suggest conditions are similar to those at Golden Stables.

### **Ramblers**

The proposal is detrimental to the area and would have a devastating impact on the countryside, the footpath and the area as a whole. The path would become unusable and would be lost to agriculture.

### **The Wildlife Trust**

There are no site designations of any category either at the application site or in its general vicinity. The Wildlife Trust is not aware of any historical records of any protected or notable species sightings from the site itself or surrounding it, however, the absence of evidence does not necessarily mean evidence of absence. The footpath for the scheme does not lie within, or significantly close to any established Green Infrastructure Corridor Routes.

### **North Northants Badger Group**

There are badger sets in the area and it is highly likely that there is some evidence of badgers in the vicinity of Greenfields. Because the site has been occupied for some time, it is clear that there is no adverse impact on the setts we are aware of. If other sets are closer to the site, these may be affected and survey results would identify this. However, it is unlikely these are circumstances where the impact on badgers would be so adverse to refuse the application on these grounds.

### **Neighbours**

293 third party representations received. Objections are on the following grounds:-

- Local roads are single track and busy and there have been a number of accidents
- Local roads cannot accommodate extra traffic generated from the site and this will result in a traffic hazard
- Site does not provide easy access or exit or adequate visibility splays
- Information in the application is contradictory
- Ownership of the access is unclear
- There has been an increase in rubbish/ litter
- Concerns over provision for waste disposal
- Circular 01/2006 is being reviewed and the Government is moving from target based policy towards needs based policy
- The Communities and Local Government 'Planning for Traveller Sites

Consultation paper' states that local Authorities should ensure that sites in rural areas respect the size of and do not dominate the nearest settled community.

- The scheme is not in accordance with CSS policies 1, 9, 13 and 17 or Local Plan policies 49,K12 and RA5 or Circular 01/2006 or PPG2
- A decision before KBC work completed on alternative sites would be premature
- Adverse impact on the character of the countryside. Mobiles and caravans are obtrusive as well as the associated hard standing, fencing, sheds, porto-loos, trailers, cars and trucks.
- Greenfield site located in an environmentally sensitive area in the open countryside
- Erosion of the green gap between Braybrooke, Arthingworth and Desborough
- Site is located on the boundary of two Conservation Areas
- The site is located on top of a hill in rolling countryside and visible from Braybrooke and for some distance to the north
- Popular footpath runs through the site
- Land can still viably used for agriculture
- The caravans are sited over a very wide area and have a dispersed character and layout and relate poorly to site boundaries
- The scheme suburbanises and dominates the appearance of the site
- There is no justification for extra sites, in 2008 there was an over supply of vacant sites
- There are many other sites which have vacancies within Kettering and Market Harborough area, Justin Park is not fully occupied
- The applicant has adequate accommodation at Justin Park
- If a traveller site is required why aren't there more illegal sites on the roadside
- The application contains little detail of the families need or that they have local affiliations
- Personal reasons are not a ground for planning consideration
- Medical care can be provided wherever they reside
- There is an over concentration of sites in the local area and this is disproportionate to the community at Braybrooke and Arthingworth. Within 3 miles of Braybrooke there is 11 sites. Already 12 – 15% of Braybrooke live in caravans/ mobile homes which is above the national average.
- New Gypsy sites should be agglomerated within established better located sites.
- Gypsy sites should be distributed evenly through the county
- There are more caravans on site than applied for
- Authorised sites have been subdivided an extended
- Overall site has potential for 150 caravans plus and this could match the number of properties in Braybrooke
- The site overlooks a site in Arthongworth Parish
- Braybrooke school is used only by Gypsies
- Loss of house value
- Perception of the village



- Impact on council tax
- The site is not closely linked to a settlement with a range of facilities. Braybrooke has no shops, health care or sports facilities
- Increased pressure on schools and healthcare in Desborough
- The site is 1.5 miles from Braybrooke and Arthingworth and 2.5 miles from Desborough. The site has no public transport links and there will be an increase in car traffic as local roads are unlit, narrow, with no pavement.
- Development does not take into account the EU Water Framework Directive
- The site has no water, sewerage or electricity
- Site is remote and does not maximise the possibilities for social inclusion
- The development will not benefit Braybrooke and will have a detrimental effect on local attractions and local businesses
- Impact on wildlife, no biodiversity survey has been undertaken
- Granting temporary permission encourages others to act in the same way
- What about the human rights of Braybrooke residents
- If permission is granted it is essential that there are adequate resources to monitor and police the site.
- Fear of crime and intimidation
- If the site is approved it should be moved to the roadside to prevent infilling
- Application is a commercial enterprise to attract travellers from other sites

## **5.0 Planning Policy**

PPS1. Delivering Sustainable Development

PPS3. Housing

PPS7. Development in Rural Areas

PPG13. Transport

PPG23. Planning and Pollution Control

PPG24. Planning and Noise

PPG25. Planning and Flood Risk

ODPM Circular 01/2006: Planning Gypsy and Traveller Caravan Sites  
Communities and Local Government Consultation: Planning for Traveller Sites

### **Development Plan Policies**

#### **East Midlands Regional Plan**

P2. Promoting Better Design

P3. Distribution of New Development

P11. Development in the Southern Sub Area

P16. Regional Priorities for Provision for Gypsies, Travellers and Travelling Showpeople

P26. Protecting and Enhancing the Regions National and Cultural heritage  
P35. A regional Approach to Managing Flood Risk  
P48. Regional Car Parking Standards

### **North Northamptonshire Core Spatial Strategy**

P1. Strengthening the Network of Settlements  
P9. Distribution and Location of Development  
P13. General Sustainable Development Principles  
P14. Energy Efficiency and Sustainable Construction  
P17. Gypsies and Travellers

### **Local Plan**

P7. Protection of the Open Countryside

### **SPGs**

Sustainable Design SPD

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Need for additional Gypsy Sites
2. Sustainability of the Site
3. Landscape Implications
4. Impact on Residential Amenity
5. Highway Safety Implications
6. Drainage
7. Sustainable Development
8. Ecology
9. Human Rights

### **1. Need for Additional Gypsy Sites**

The applicant has confirmed within the application that all three of the families are Gypsies, have travelled extensively and have strong local ties. The Gypsy status of the three families is accepted, however, the evidence they have submitted has failed to demonstrate the three families need to occupy the site. The agent has advised that prior to occupying the site the families resided in lay-bys and by the roadside at the following sites; on the A511 at Bardon, Nr Coalville (Leicestershire); behind a closed pub between Ashby and Woodville (Derbyshire); on the Fosse Way between Hinckley and Brinklow (Warwickshire) and an industrial estate at Market Harborough (Leicestershire). The information provided by the applicant lacks detail in respect of exact site addresses, details of when and how long they resided there and evidence to demonstrate this. The North Northamptonshire County Traveller Unit has

advised that they are not aware of, or have encountered the applicants on any unauthorised encampments within Northamptonshire over the last five years. Leicestershire County Traveller Unit have advised that they have no records of any of the families residing at the two sites in Leicestershire. Derbyshire County Council and South Derbyshire County Council have also confirmed that they have no record of any encampments the site referred to in Derbyshire. Warwickshire County Council have also been consulted, full details of their response will be included in the update report. Based upon the information submitted by the applicant, and the research undertaken by officers which indicates to the contrary, the applicant has failed to provide evidence of roadside living, and as such have failed to establish a need for this site.

In Northamptonshire, the Countywide Traveller Unit has coordinated a Gypsy and Traveller Accommodation Assessment (GTAA) the results of which were published in March 2008. For Kettering Borough the GTAA concluded that a further 18 residential pitches should be provided by 2017. Since March 2008 no permanent sites have been set up within the Borough. The GTAA is currently under review, however its findings have not yet been published and until this time, the authority is working with the 2008 figures to establish need. It is unclear if the occupants residing at the application site were included within this count, particularly given that the information provided by the applicant regarding previous residences.

Section 225 of the Housing Act 2004, in conjunction with ODPM Circular 01/2006, created a statutory duty for local authorities to assess the demand for gypsy traveller accommodation in their area and to make provision to meet that demand through the planning process.

The Government has announced its intention to withdraw Circular 1/2006 in favour of a new light-touch guidance on provision for Gypsies and Travellers. In April 2011

the Government published the 'Planning for Travellers Sites Consultation', the consultation on which expired on 4<sup>th</sup> August 2011. The changes within this consultation document are designed to give Local Planning Authorities powers to meet site provision on the area, in consultation with the local community, to ensure greater fairness in the planning system and align policy more closely to other housing policy and be more streamlined and effective. Whilst this consultation document and Government intentions are a material consideration, Circular 01/2006 does still remain national policy and as such a greater weight has been given to this in the determination of this application.

GTAA findings across the region have been collated for the East Midlands Regional Plan adopted in March 2009. At Appendix 2 the Regional Plan identified a need for a further 2 pitches in the borough up to 2012. This figure takes into account planning permissions granted since the publication of the GTAA which included 7 pitches at The Pastures (KET/2008/0397), 1 pitch at Stoke Albany Road (KET/2008/0423) and 1 pitch granted at Braybrooke (Springfield's ref KET/2007/0478).

Since the publication of the East Midlands Regional Plan, the one pitch granted

at Springfields (KET/2007/0478) has been implemented, however the remainder have not been delivered. The permission for 1 pitch at Stoke Albany Road (KET/2008/0423) expired on 13 August 2011 and the permission for 7 pitches at The Pastures (KET/2008/0397) has also expired. Whilst an application for a new planning permission to replace KET/2008/0397 has been submitted, this is still pending a decision and the likelihood of it being implemented if planning permission were granted is unknown. It is also worth pointing out that planning permission was granted under KET/2009/0155 for 10 pitches at a further site at The Pastures. This permission has not been implemented and evidence to date indicates this is unlikely to come forward as the owner has alternative plans for the site. These pitches should only be counted towards meeting this outstanding need if there is a reasonable chance they will be implemented. Accordingly there is an identified need up until 2012 for 10 pitches and a further 7 pitches up until 2017.

It is evident from the GTAA that there is a need for additional pitches for Gypsies and Travellers in order to meet current and future need. Kettering Borough Council is currently working on identifying suitable sites for Gypsies/ Travellers based upon the local need through a Site Specific Development Plan Document.

Concern has been expressed in some third party representations that there is no need for extra pitches as there are a number of vacant pitches within authorised sites within the Borough, specifically sites at Braybrooke Crossroads and Broughton. In investigating the availability of additional sites within the Borough, the Authority has identified that for all authorised sites, with the exception of Broughton, there are no vacant pitches. At the Braybrooke crossroads some sites were not occupied, however, this was because the occupiers were away travelling, however, would be returning to the site. With respect to Broughton, of the 11 pitches, 4 were clearly vacant. Vacancy rates may in fact be higher as Council Tax records indicate that up to 7 pitches may be vacant, however this information may not be up to date. To better inform members of the extent of vacant site, letters have been sent out to all possible vacant plots in Broughton asking owners to confirm if the site is vacant and if so, is it available for other Gypsies to occupy. All of the letters sent were delivered, however, no responses were received.

Whilst it is evident from the GTAA that there is a need for additional pitches for Gypsies and Travellers in order to meet current and future need, this identified need must be balanced with other material considerations, including advice in Circular 01/2006 and policies in the North Northamptonshire Core Spatial Strategy and these issues are discussed below.

## 2. Sustainability of the site

Policy 17 'Gypsies and Travellers' of the North Northamptonshire Core Spatial Strategy sets out criteria that needs to be met where a need is identified for additional accommodation for Gypsies. These criteria are set out below along with a consideration as to whether they can be met.

*(a) be in accordance with the locational requirements set out in Policy 9 of the*

*Core Spatial Strategy and should also meet the criteria set out in policy 13 of the Strategy;*

Policy 9 of the Core Spatial Strategy as is referred to in policy 17, requires that development be distributed to strengthen the network of settlements, being principally directed to the urban core, and new building development in the open countryside shall be strictly controlled. In addition policy 9 identifies that priority will be given to the reuse of suitable previously developed land and buildings within the urban area, followed by other available land in urban areas.

Policy 13 (c and k) of the North Northamptonshire Core Spatial Strategy require that developments maintain and improve the provision of accessible local services and community services and allow for travel to home, shops, work and school on foot and by cycle and public transport. Policy 13 (e) of the Core Spatial Strategy requires that developments incorporate measures to contribute to a target of 5% modal shift in developments over the plan period.

Circular 01/2006 adopts a more flexible approach to the location of Gypsy sites than policies set out in the Core Spatial Strategy. Circular 01/2006 states 'Rural settings, where not subject to specific planning constraints are acceptable in principle. In assessing the suitability of such sites, Local Planning Authorities should be realistic about the availability, or likely availability of alternatives to the car in assessing local services'. However, the Circular does clearly state that in deciding where to provide for Gypsy and Traveller sites, Local Planning Authorities should first consider locations in or near existing settlements with access to local services including shops, doctors and schools.

A Transport Statement has been submitted in support of the application. The statement states that in fine weather it will be possible to walk to some community facilities and occupants would also have access to bicycles and access to local bus services. Occupants will also share private transport so as to reduce traffic generation. No business activity will take place on site with the nature of the occupants business meaning that they are based at home and travel directly to sites where they intend to trade.

The application site is located within the open countryside. Whilst policy 9 and 17 of the Core Spatial Strategy require that development be located within urban areas and development in the open countryside be strictly controlled, Circular 01/2006 is less strict stating that rural settings are acceptable in principle. However an important consideration is how each site compares in terms of sustainability and this is explored below.

*(b) not be within an area designated as environmentally sensitive*

The site is not located in an area designated as environmentally sensitive. The impact of the development on the landscape is considered in considered under 'Landscape Implications'.

*(c) should be closely linked to an existing settlement with an adequate range of*

*services and facilities in order to maximise the possibilities for social inclusion.*

The closest settlement to the site is Braybrooke village, which is approximately 1.5 miles from the site and provides very limited local services in the form of a primary school, a public house and a church. Braybrooke is accessed from the application site via Braybrooke Road and Griffin Road, both of which are single track road, with no pavements. Whilst this distance is walkable, given the nature of the road, it is considered unlikely that it would be an attractive option for occupants of the site to walk or cycle into Braybrooke on a regular basis. Desborough is the closest town to the application site which provides for a better range of facilities, including shops, doctors, community facilities and leisure centre. The application site is located approximately 2.3 miles from the centre of Desborough and roads are also narrow, fast moving with no pavements. Given the distances involved and the nature of the roads, many being single track country roads, walking or cycling is unlikely to be an option. There is no public transport service that links the application site with either Braybrooke or Desborough, further increasing the reliance of occupants of the site on the private car.

In considering sustainability, Circular 01/2006 makes it clear that distance from services is not the only consideration. Consideration also need to be given to the promotion of peaceful and integrated existence between the site and the local community; the wider benefits of access to a GP and School, the benefits a settled base has in reducing the need for long distance travelling and not being located in an area at a high risk of flooding

Taking the borough as a whole, a number of third parties have raised concerns that there is an over concentration of sites to the north of the borough and particularly in the Braybrooke area and that this is an issue in the community. In respect of health and education, in the Supporting Statement submitted states that the occupants of the site have previously used roadside sites but finding this lifestyle increasingly difficult and impractical and now need a more settled base to which they can regularly return. The Statement emphasises the need to be near a doctors surgery for which they are registered as two members of the Gaskin family are asthmatic, Tina Marie is expecting a baby and the youngest child of the Ward family needs to receive immunisations, particularly in respect of measles for which there was an outbreak in the Gypsy Traveller community in July 2010. The importance of having access to education is the second main justification put forward in the Supporting Statement. An extract of a report published by the Government in 2003 is included within the statement which states that Gypsy Traveller children are the most at risk in the education system. Attention is not focussed strongly on what can be done, once the children are enrolled at school to sustain their attendance and to continue to raise achievement. The health and education benefits of the scheme have been considered including the proximity of Braybrooke School.

In conclusion the site is located in an unsustainable location within the open countryside and occupiers of the site will be reliant on the private car to access local services and facilities in Braybrooke and Desborough. Whilst Circular

01/2006 states that Local Planning Authorities should be realistic about the likely alternatives to the private car, this site provides no other options at all. It is likely that other more sustainable sites will come forward as part of the Site Specific work. The proposal is thereby contrary to the requirements of policy 13 c, e, k and policy 17 of the North Northamptonshire Core Spatial Strategy.

### 3. Landscape Implications

Policy 13 (o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve and enhance the landscape character, historic landscape, designated built environment assets and their settings and biodiversity of the environment making reference to the Environment Character Assessment and Green Infrastructure Strategy. PPS1 and PPS7 state that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced. PPS1 also states that where design is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

Policy 17 (b) of the Core Spatial Strategy also requires that Gypsy/ Traveller sites are not located within an area designated as environmentally sensitive. The application site is not located within an area designated as environmentally sensitive.

The wider landscape character of the area has been identified by the Northamptonshire Environmental Character Strategy as falling within the West Northamptonshire Uplands. This landscape has a gently hilly character with long local views that are criss-crossed by a regular pattern of hedgerows. The scarcity of settlements combined with the infrequency of isolated farms and cottages gives the landscape a remote and sometimes isolated character, with expansive views and a sense of openness prevailing on elevated land. Land cover is primarily improved agriculture, with arable and pastoral farming creating an attractive patchwork rural landscape. The key issues for this landscape are the conservation and enhancement of viewing opportunities across the landscape and the retention of the patchwork of arable and pastoral uses.

The scheme will provide for four caravans, a shed and an extensive area of hard standing and the resultant loss of pasture land which will compromise the characteristics of the landscape as identified above. The site is located within a prominent location within the landscape being located on higher ground. And has a zone of visual influence from the site boundary of up to 2.5km. Views of the site are fully visible from the surrounding area and particularly from the footpath that runs to the north of the application site and Braybrooke Road as well as the A6 the views of which into the open countryside is an important part of the landscape character of the area. Little can be done in terms of landscaping mitigation measures as screen planting will not disguise this development.

In conclusion, the scheme will introduce alien features into a prominent landscape to the detriment of the character of the area which has an otherwise

relatively consistent composition of fields dissected by watercourses, hedgerows and hedgerow trees. The scheme will undermine the wider objectives set out in the Northamptonshire Environmental Character Strategy and is contrary to the requirements set out in policy 13(o) of the North Northamptonshire Core Spatial Strategy and advice contained in PPS1, PPS3 and PPS7.

#### 4. Impact on Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires that developments do not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The site is located in an isolated position and whilst the site can be seen from nearby dwellings, there is sufficient separation distance not to result in any adverse noise or disturbance, overshadowing or loss of privacy. The closest property to the site is Wooden House Kennels on Griffin Road which is located in excess of 300 metres from the site.

Concern has been expressed by third parties about light pollution. A lighting Assessment has been submitted with the application which states that the only external lighting proposed is 50 watt down lights above each residential caravan door. If the scheme were to be considered acceptable, this matter could be addressed by a condition requiring full details to be submitted so as to ensure that no adverse light pollution results.

Significant concern has been raised by objectors about the removal of waste from the site. If planning permission were granted refuse could be collected at the roadside/ site entrance in bins in the normal manner.

In conclusion, subject to condition, it is not considered that the scheme will adversely impact on the residential amenity of occupants of the nearest dwellings and as such the scheme is in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

#### 5. Highway Safety Implications

Policy 13(d) of the North Northamptonshire Core Spatial Strategy requires that developments have a satisfactory means of access and provide for servicing and manoeuvring in accordance with adopted standards

Vehicular access to the site from Braybrooke Road is proposed via an unauthorised access track for the Local Planning Authority is currently perusing enforcement action.

Northamptonshire County Highways Authority has been consulted on the scheme and raised no objections to the scheme subject to conditions including minimum access widths, hard paved finish for part of the access, highway widening either side of the access and vehicular visibility and provision of parking and turning within the site. The extent of the works that will be required in respect of these measures will be determined by the submission of swept path tracking drawings of articulated vehicles, which can be required by



condition. The Highways Authority are satisfied that the required highway works that are required can be achieved on site and subject to conditions, the scheme in accordance with the requirements of policy 13(d) of the North Northamptonshire Core Spatial Strategy. The Highways Department have advised that careful design of the access will ensure that there will be no requirement for any significant loss of landscape features to the site.

A public footpath is located to the north of the site, however, the footpath does not cross the application site. Concern has been expressed by objectors that the occupation of the site would undermine the use of use and attractiveness of this footpath. The application site is visible from the public footpath, however given the separation of the site from the right of way, the proposal does not obstruct or prevent use of the footpath.

#### 6. Drainage

Policy 13(q) of the North Northamptonshire Core Spatial Strategy requires that developments do not cause a risk to the quality of the underlying ground water or surface water.

A Utilities Statement has been submitted as part of the application which states that foul drainage will be to a Klargestep septic tank and surface water to a soak away. and in the longer term a rainwater recovery system will be installed. The Environment Agency have been consulted on the application and subject to conditions requiring a percolation test to ensure that soak aways will work in adverse conditions and details of the septic tank to be submitted, they do not object.

#### 7. Sustainable Development

Policy 14 of the North Northamptonshire Core Spatial Strategy requires that proposals demonstrate that the development incorporates techniques of sustainable construction and energy efficiency; there is provision for waste reduction/ recycling and there is provision for water efficiency and water recycling.

A Sustainability Statement has been submitted as part of the application. The statement states that caravan dwelling is sustainable and there is less paramagnet infrastructure and caravans consume considerably less energy and non renewable resources compared to a traditional dwelling house. With respect to work occupants will be based at home and will travel directly to their clients premises. Notwithstanding this lack of detail, these matters could be satisfactorily secured by condition.

#### 8. Ecology

PPS9 'Biodiversity and Geological Conservation' sets out planning policies on the protection of biodiversity and geological conservation through the planning system. In relation to planning applications, PPS9 states that planning applications should not refuse permission if development can be subject to conditions that will prevent unacceptable impact on wildlife habitats or important physical features.

Concern has been expressed by objectors that the proposal will have an adverse impact on local wildlife, including red kites, badgers, foxes, deer, sand lizards, frogs and woodpeckers. No survey details has been submitted as part of the application, however there are no trees on the site and the site is not located within or close to any designated area. The Wildlife Trust have been consulted on the scheme and advised that they are not aware of any historical records of any protected or notable species sightings from the site itself or surrounding area and the footprint for the scheme does not lie either within, or significantly close to any established Green Infrastructure Corridor routes. North Northants Badger Group have been consulted and advised they are not aware of any adverse impact to development had had on the setts and it is unlikely that even if there were setts closer to the site which the Group are not aware of, that the impact on badgers would be so adverse to refuse the application on these grounds.

### 9. Human Rights

In considering the application, the implications of the Human Rights Legislation on scheme have been recognised. It is recognised that the council has a duty to allocate sustainable sites to meet Gypsy accommodation needs.

Notwithstanding that the need of the three families has not been clearly demonstrated, when balancing the applicants human rights against the wider public interest, these needs do not outweigh the wider public interest.

### Conclusion

In conclusion, it is recognised that there is a need in the Borough for additional Gypsy sites up to 2017, however, in this application the specific need for the three families has not been demonstrated or evidenced and the need is unclear. The site is located is a greenfield site located in the open countryside in an unsustainable location away from local services, local communities and facilities, resulting in an over reliance of use on the private car and will have an adverse impact on the character and appearance of the open countryside. In balancing all the relevant policies and the educational and health benefits to the families, it is not considered these outweigh concerns outlined above.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

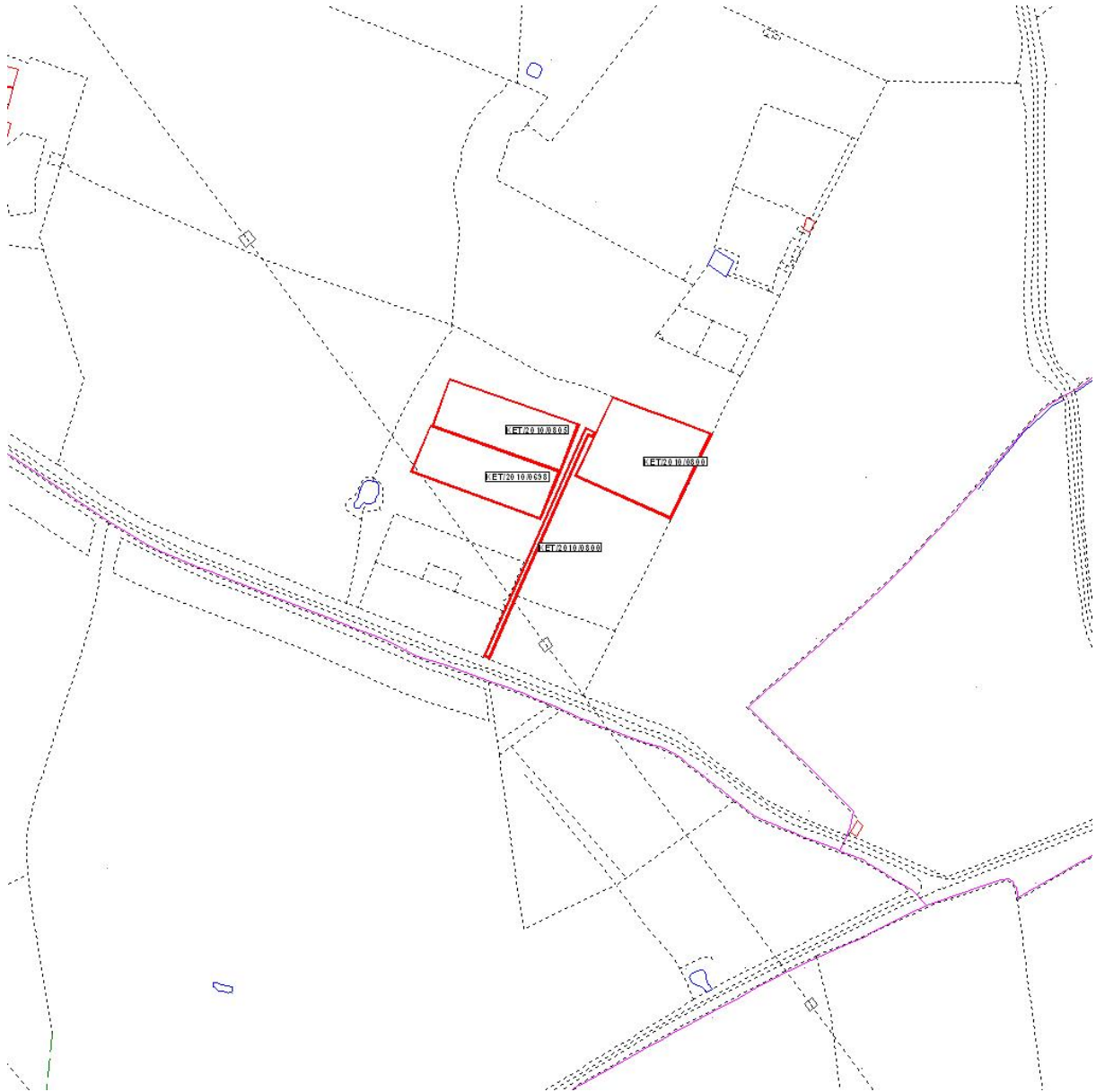
#### **Previous Reports/Minutes**

Ref:

Date:

## SITE LOCATION PLAN

Greenfields, Great Oxendon Road, Braybrooke  
Application No.: KET/2010/0800



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